

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7156

Amended Petition of UPC Vermont Wind, LLC,)
for a Certificate of Public Good, pursuant to)
30 V.S.A. § 248, authorizing the construction)
and operation of a 40 MW wind electric)
generation facility, consisting of 16 wind)
turbines, and associated transmission and)
interconnection facilities, in Sheffield and)
Sutton, Vermont, to be known as the "Sheffield)
Wind Project")

Order entered: 3/24/2009

ORDER RE: FINAL DESIGN PLANS AND MOTION TO REQUIRE AMENDED APPLICATION

Introduction

In an Order and Certificate of Public Good ("CPG") issued August 8, 2007, the Public Service Board ("Board") approved the construction and operation of a 16-turbine, 40-megawatt wind electric generation facility and associated transmission and interconnection facilities. The Board's Order and CPG included several conditions, including one requiring the filing of final design plans for Board approval. On December 26, 2008, the Petitioner, Vermont Wind LLC ("Vermont Wind"), filed its final design plans. Those plans reflected five modifications to the design; these modifications are described below.

In response to Vermont Wind's final design plans, Ridge Protectors, Inc. ("Ridge Protectors") filed a motion requesting that the Board require Vermont Wind to file an amended application because of the modifications to the project. In its motion, Ridge Protectors also requests that it be reimbursed by Vermont Wind for its costs in reviewing the modified project.

In today's Order, we approve Vermont Wind's final design plans and deny Ridge Protectors' motion.

Parties' Filings

Vermont Wind Final Design Plans

In its December 26 filing, Vermont Wind states that it "has finalized the project design, in consultation with the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the U.S. Environmental Protection Agency and the Vermont Agency of Natural Resources, with the goal of making the project design more efficient and further reducing project impacts."¹ The final design plans reflect the following five modifications to the project design:

Modification 1: Relocation of the substation and the operations and maintenance (O&M) building from the southeast to the southwest portion of the site, and relocation of the laydown yard from below the ridgeline to an area adjacent to the substation. Vermont Wind claims that these relocations will reduce the length of access roads, lessen wetland impacts and confine impacts to a single, smaller area.

Modification 2: Reconfiguration of the entrance into the Project Area to allow for either a southerly or northerly access from Duck Pond Road. Vermont Wind states that the dual entrance will allow turbine components to be delivered without traveling through downtown Barton Village, as it indicated in the transportation plan that it submitted to the Board on October 10, 2008.

Modification 3: Re-routing of the access road to Turbine Six, so that the road originates from the north instead of the west. This change eliminates the single largest wetland crossing. Vermont Wind states that it made this change at the request of the federal agencies during the wetland permitting process.

Modification 4: Site-specific revisions to the locations of eight turbines (and associated road adjustments) to address the turbine manufacturer's specifications. Vermont Wind indicates that these revisions will reduce cut and fill as well as improve the Project's overall constructability.

Modification 5: Utilization of twelve Clipper Liberty Class C93 IIa turbines and four Clipper Liberty Class C96 IIb turbines, instead of sixteen Class IIb turbines as previously proposed. The C93 turbines have a rotor diameter that is approximately ten feet smaller than that of the C96 turbines. Vermont Wind states that the C93 turbines are better suited for the wind conditions present in certain Project areas.

Vermont Wind claims that these modifications to the Project result in a reduction of more than 0.75 miles in road construction and road improvements and a reduction in wetland impacts by approximately 0.5 acres, compared to the January 2007 layout approved by the Board.

1. Letter from Andrew Raubvogel, Esq., to Susan M. Hudson, Clerk of the Board, filed 12/26/08, at 1.

According to Vermont Wind, the revised plans move the Project's infrastructure further away from the King George School and avoids previously identified historic sites. Additionally, Vermont Wind represents that it has committed to no-cut buffer zones around higher value wetland resources.

Vermont Wind submitted reports from its wetland, stormwater, wildlife, noise and aesthetic consultants addressing the impacts of the modifications in the final design plans. Based on these reports, Vermont Wind contends that the modifications do not necessitate an amendment to the CPG because they do not constitute a "substantial change" to the Project.

Ridge Protectors, Inc. – Motion for Amended Application and for Costs

On January 30, 2009 Ridge Protectors, Inc. ("Ridge Protectors") filed a Motion to Require Petitioner to Seek Leave to File an Amended Application for a CPG. Ridge Protectors argue that Vermont Wind's filing on December 26, 2008, involves substantial changes which will cause "significant impacts" with respect to a number of Section 248(b) criteria. Therefore, Ridge Protectors believe that under Board Rule 5.408, Vermont Wind needs an amendment to its CPG.

Ridge Protectors contend that Vermont Wind is not merely complying with Condition 1 of the CPG, which requires the filing of final design plans for Board review and approval. Ridge Protectors base this claim on the fact that Vermont Wind will substitute twelve of sixteen turbines under Condition 2 and argues that Vermont Wind's December 2008 amendment is not a complete application.

Ridge Protectors request that the Board:

condition its permission to allow the filing of this newest amendment to this project on Vermont Wind paying all the reasonable costs, including expert witnesses and attorneys fees, incurred by [Ridge Protectors] from this point through the conclusion of the Board's consideration of Vermont Wind's proposal.²

Ridge Protectors argue that Vermont Wind's five modifications created a new project, and that Ridge Protectors have exhausted their resources. Ridge Protectors assert that Vermont Wind is "unreasonably adversely affecting the rights of any party." Therefore, Ridge Protectors ask that

2. Ridge Protectors' Motion to Require Amended Application at 5–6 (footnote omitted).

Vermont Wind be required to post a bond. Ridge Protectors argue that Vermont Wind created exceptional circumstances justifying payment of costs because the changes made in December 2008 should have been made before the Board approved the CPG.

Ridge Protectors contend that the five modifications made by Vermont Wind have the potential to result in significant impacts with respect to the criteria of Section 248(b). Ridge Protectors claim that the relocation of the substation, operation and maintenance building, and laydown area create the potential for significant noise impacts at residential structures, for aesthetic impacts including ones related to night lighting, and for pollution of Nation Brook and Millers Run.

Ridge Protectors assert that the reconfigured project entrance could result in "‘potentially significant cumulative aesthetic impacts as well as cumulative impacts from erosion/sedimentation to Nation Brook/Miller's Run.'"³

Ridge Protectors claim that the proposed new road to Turbine 6 will likely result in significant new aesthetic, erosion and sedimentation impacts, and will bisect a winter moose concentration area.

Ridge Protectors argue that the relocation of eight turbines "can have enormous impacts."⁴ Ridge Protectors specifically point to aesthetic and noise impacts as the potential consequences of the turbine relocations.

Ridge Protectors next assert that the change in turbine model for twelve of the sixteen turbines may have significant impacts on the economic benefits of the Project, due to lower power generation. Ridge Protectors also contend that the noise impacts and reliability of the new turbines are unknown.

Ridge Protectors further claim that "when Vermont Wind modifies the transmission line routing from the old substation location to the new substation location there are likely to be significant impacts that have yet to be examined by the Board."⁵ Specifically, Ridge Protectors point to the potential for aesthetic impacts.

3. Ridge Protectors' Motion to Require Amended Application at 15, *quoting* Affidavit of Paul Brouha at 4.

4. Ridge Protectors' Motion to Require Amended Application at 16.

5. Ridge Protectors' Motion to Require Amended Application at 18.

Finally, Ridge Protectors assert that the modifications to the Project have changed the watershed hydrology, such that a new HydroCAD model is necessary to determine potential water-pollution impacts.

Vermont Department of Public Service

On January 30, 2009, the Vermont Department of Public Service ("Department") filed comments on Vermont Wind's December 2008 final design plans. The Department's comments focus on the statutory criteria addressing orderly development of the region and aesthetics. The Department identifies these criteria as the key ones affected by this filing. The Department concludes that Vermont Wind's final design plans do not have the potential to raise significant issues with respect to these two criteria. The Department notes that this conclusion is based on Vermont Wind maintaining the mature vegetation buffer that presently exists in the vicinity of the newly proposed site for the substation and maintenance building. Because the new site will place the substation significantly closer to Duck Pond Road, the Department recommends that the Board require Vermont Wind to preserve the existing mature trees to provide screening from the road.

Vermont Agency of Natural Resources

On January 30, 2009, the Vermont Agency of Natural Resources ("ANR") submitted its review of Vermont Wind's final design plans, stating that the plans do not raise any concerns regarding the potential for significant impact to any of the natural resource criteria. ANR does not request additional process such as discovery or a hearing. ANR notes that these Project changes will require Vermont Wind to submit an amended National Pollutant Discharge Elimination System ("NPDES") permit application to ANR. Consistent with Condition 12, ANR requests that Vermont Wind file its amended NPDES permit with the Board prior to any earth-disturbing activities.

Vermont Wind's Response to Ridge Protectors, the Department and ANR

On February 13, 2009, Vermont Wind submitted its responses to Ridge Protectors, the Department, and ANR. Vermont Wind notes that the Department and ANR concluded that the Project's December 2008 modifications do not have the potential to cause significant impacts not covered by the CPG. Vermont Wind accepts the conditions requested by the state agencies for a vegetation buffer and NPDES permit refileing.

Vermont Wind disputes Ridge Protectors' filing, arguing that the December 2008 final design plan modifications do not create a "substantial change" and therefore do not require an amended CPG. Vermont Wind asserts that the modifications do not "fundamentally" alter the size, scope or location of the Project. Vermont Wind argues that the modifications have a "tangible and significant" benefit to the Project. Vermont Wind points to the following changes:

- Reduced cut and fill, and thus the amount of disturbed area and the amount of potential blasting;
- Reduced length of new or improved access roads by 0.75 miles;
- Reduced wetlands impacts from, 0.55 acres to 0.09 acres;
- Reduced length of roads within moose wintering area;
- Shifting of project infrastructure (substation, laydown yard, [Turbine 6] access road) away from sensitive environmental resources such as wetlands and streams;
- Consolidation of the Substation, O&M building and laydown yard into a single smaller footprint rather than 3 different locations, reducing overall disturbance.⁶

Vermont Wind contends that these modifications do not create environmental impacts in other areas. Vermont Wind maintains that the Board imposed an absolute noise limit and required first-year confirmatory monitoring (CPG Conditions 8-10). Therefore, Vermont Wind argues that these conditions apply regardless of the location of project infrastructure. Vermont Wind notes that the Board requires submission of stormwater permits (Conditions 12-15) and minimization of blasting. Vermont Wind maintains that the Board already evaluated the aesthetic impacts of the 16 Clipper Wind Liberty Class turbines in the Project. The turbines will remain on elevations specified by the Board and twelve of the sixteen turbines will have slightly

6. Letter from Andrew Raubvogel, Esq., to Susan M. Hudson, Clerk of the Board, filed February 13, 2009, at 3.

shorter blades. Vermont Wind concludes that the Project modifications remain consistent with the prior evidence.

Addressing the economic benefit, Vermont Wind notes that the Board established a trigger for decommissioning review if the Project's output falls below 65% of previous projections for two consecutive years (Condition 32).

Citing the February 2009 Vermont Supreme Court's decision and the Board's approval of the Project's transportation plan, Vermont Wind requests the Board approve its December 2008 final design plan.

Discussion and Conclusions

Ridge Protectors' Motion to Require Amended Application

After the Board issues a certificate of public good under 30 V.S.A. § 248, the extent to which changes to the project require the filing of an amended application is governed by Board Rule 5.408 which provides that:

An amendment to a certificate of public good for construction of generation or transmission facilities, issued under 30 V.S.A. § 248, shall be required for a substantial change in the approved proposal. For the purpose of this subsection, a substantial change is a change in the approved proposal that has the potential for significant impact with respect to any of the criteria of Section 248(b) or on the general good of the state under Section 248(a).

At the outset we note that it is not unexpected for plans for a significant energy project to change after we issue it a CPG.⁷ Indeed, it is precisely for that reason that we typically include, and included here, a condition requiring the filing of final design plans for Board approval.

We have reviewed the specific modifications to the Project included in the December 2008 final design plans, and the parties' arguments regarding whether those modifications require an amendment to the CPG that the Board previously issued for the Project. The Petitioner has

7. For example, in Docket No. 6860 the Board reviewed and approved the Northwest Vermont Reliability Project (NRP), which involved the construction of significant upgrades to Vermont's bulk transmission system. In Docket No. 6860, subsequent to issuance of the CPG the Board reviewed and approved final design plans for the various elements of the NRP. Some were approved based solely on the parties' written filings, while for others the Board conducted additional evidentiary hearings; the Board did not require the petitioners to file an amended application for any of the final design plans.

provided reports from consultants with expertise in wetlands, wildlife, stormwater, aesthetics, and noise, supporting the conclusion that the modifications do not have the potential for significant impacts under the Section 248(b) criteria or on the general good of the state. Similarly, the state agencies with primary responsibility for protecting the interests of ratepayers (the Department) and environmental resources (ANR) have each concluded that the proposed modifications to the Project do not present the potential for significant adverse impacts for the Section 248 criteria that they have reviewed.

The only party contending that the modifications in the final design plans present the potential for significant impacts is Ridge Protectors, which rely solely on an affidavit from Paul Brouha. While Mr. Brouha has a background in fisheries biology and natural resources planning and management, he does not purport to possess any specialized expertise in the areas of aesthetics, water quality, noise, or wildlife (other than fisheries).

We now turn to Ridge Protectors' contentions in support of its motion to require an amended application.

Change in Turbine Model and Economic Benefits

Condition 2 of the CPG provides that Vermont Wind must obtain permission from the Board for use of a turbine model other than the Clipper Liberty Class IIB 2.5 MW turbine. Ridge Protectors contend that "[b]y imposing Condition 2 in the CPG (Final Order at 113) the Board has decided that if a new model of turbine is used, that new model was necessarily not within the scope of the previous approval and would require an amendment be filed."⁸ This argument is without merit. Condition 2 of the CPG only requires that Vermont Wind obtain Board permission for use of a different turbine. Had we intended the condition to necessarily require an amended application for any change in the turbine model, the condition would have said so.

Nor do we accept Ridge Protectors' claim that the small reduction in generation associated with the new turbines raises the potential for significant impacts under the economic benefit criterion. As the findings in our Order of August 8, 2007, make clear, the Project will provide economic benefits to Vermont through the jobs associated with its construction and

8. Ridge Protectors' Motion to Require Amended Application at 11.

operation, through tax revenues, and through lease payments to the involved landowners. The Project will also provide economic benefits through the generation of power, primarily through contracts for the power with Vermont utilities.⁹ A minor reduction in the total power generated will not have a material impact on these economic benefits.

Potential Noise Impacts

Ridge Protectors have asserted that significant noise impacts may result from use of a new turbine model and from the relocation of the substation, operation and maintenance building, and laydown area. We find this claim to be without merit. Our Order of August 8, 2007, imposed absolute maximum allowable noise levels at residential structures. These noise limits remain unchanged, and apply to the Project as modified. Accordingly, we conclude that the modifications do not present the potential for significant noise impacts.

Potential Aesthetic Impacts

Ridge Protectors claim that the following Project modifications could present significant adverse aesthetic impacts: relocation of the substation, operation and maintenance building; the reconfigured Project entrance; the transmission line to the relocated substation; the revised locations of eight turbines; and the new road to Turbine 6.

While it is certainly indisputable that the modifications to the Project will somewhat change its appearance in the locations of those modifications, the key question is whether the modifications have the potential for significant adverse aesthetic impacts. Our Order of August 8, 2007, focused on the aesthetic impacts from a number of significant locations from which the Project might be viewed. As noted in that Order, the views of the Project from those locations are sufficiently distant, fleeting, or limited such that they would not present undue adverse aesthetic impacts. None of the modifications to the Project raise the potential for changing that conclusion, as the report from Vermont Wind's visual consultant indicates, with the

9. The economic benefits associated with the power contracts are partly dependent on the extent to which the contracts are stably priced, an issue that will be addressed in a separate Order regarding the power purchase contracts that Vermont Wind recently filed.

possible exception of the relocation of the substation and operation and maintenance building closer to New Duck Pond Road. However, the Department has recommended, and Vermont Wind has stated it has no objection to, a requirement to preserve the existing mature trees that screen this location from the road. With this requirement, the modifications do not present the potential for significant adverse aesthetic impacts. Furthermore, because the substation and operation and maintenance building will now be located in the vicinity of a public road (New Duck Pond Road), we will retain jurisdiction to require additional aesthetic mitigation at the site after completion of construction, if necessary, consistent with our past practice for substation construction near public roads.¹⁰ We have included a condition to this effect in today's Order.

Potential Water-Quality Impacts

Similar to the noise impacts, the Board's August 8, 2007, Order imposed conditions designed to protect water resources. After noting that the Project would result in the clearing of approximately 66 acres, the Board made the following findings:

104. It is anticipated that an Individual National Pollutant Discharge Elimination System ("NPDES") construction phase stormwater discharge permit will be required for the Project. A site-specific Erosion Prevention and Sediment Control Plan ("EPSC") would be prepared in connection with that permit. This permitting process allows ANR to ensure that the Project is constructed in a manner that protects water quality. For example, very strict limits on the amount of exposed soil at any one time and the duration of time that exposed soil could remain unstabilized would typically be included as conditions to an individual permit. J. Nelson pf. reb. at 18.

105. The overall approach to development of the EPSC plan and the operational phase stormwater management plan has been to ensure that stormwater runoff discharging from the project area would not adversely impact water quality within the associated receiving waters, and would comply with applicable regulations. The Project minimizes impacts by locating the turbines and service roads in areas of lesser sensitivity, for example by avoiding Class A waters and significant wetland areas. In addition, specific measures that will be considered in preparing final plans will include, to the extent possible:

10. See, e.g., Docket No. 6860, Order Re Approval of North Ferrisburgh Substation Design Plans, 8/29/07 at 6.

- (a) Minimizing stream crossings; avoiding streams, ponds, wetlands, and their associated buffers; protecting watershed ecology, including special habitat values; mitigating historical impacts; and improving water quality.
- (b) Minimizing impacts associated with tree clearing and slash disposal by clearing trees during frozen ground conditions in the winter or extended dry periods in the summer; installing barriers, such as orange barrier fence or tape, to delineate areas where tree clearing would occur, with specific attention to sensitive areas that need to be protected; clearly identifying staging areas, landing areas, and logging and skidder roads; where possible, locating these areas within existing trails or logging and skidder roads; taking the seasonal high water table, slopes, and soil stability into consideration when burying wood products.
- (c) Avoiding earth disturbance activities during periods of snowmelt and heavy rainfall; phasing earth disturbance activities to minimize the total area of exposed soil; revegetating (seeding and mulching) areas once earth moving and disturbance activities are complete.
- (d) Using bridges for perennial stream crossings and culvert crossings for intermittent streams; constructing bridges and culvert crossings during dry weather conditions to the extent possible.
- (e) Considering topsoil management, with specific considerations for the erosion potential that may exist in areas where topsoil removal and/or replacement are to occur on shallow bedrock; reusing of existing topsoil to reestablish ground cover following construction.
- (f) Maintaining minimum riparian buffer zones, as determined by the buffer width needed to maintain the functions and values of the riparian area.
- (g) Minimizing changes in subwatershed boundaries, and thus contributing drainage areas as a result of proposed project grading and drainage structures.

J. Nelson pf. reb. at 4–6.

* * *

114. There is reasonable assurance that the Project will not result in undue pollution of nearby waters, based on the combination of: (i) construction-phase erosion prevention and sediment control measures that are designed, implemented, and maintained in accordance with NPDES permit conditions; (ii) the operational-phase stormwater management system that collects and treats runoff from proposed surfaces; and (iii) the SPCC Plan to be implemented by UPC personnel and contractors. Such measures are routinely implemented at ski resorts in Vermont, and under current regulatory requirements have been found to

be compatible with maintaining the quality of both surface water (streams and wetlands) and groundwater (wells and springs). J. Nelson pf. reb. at 24–25.¹¹

In Conditions 12 and 13 of the CPG, the Board required Vermont Wind to obtain the state and federal stormwater permits.

Thus, the Board's conclusion that the Project would not result in undue water pollution was based not on a highly detailed review of the site-specific construction activities, but rather on a review of the overall project site and on the protections provided by the federal and state permits. Nothing in the proposed modifications to the Project – which reduce the total area to be cleared by approximately 5.5 acres – changes the validity of that conclusion.

Potential Wildlife Impacts

The modifications included in Vermont Wind's final design plans do not present the potential for significant adverse impacts on wildlife or wildlife habitat. The Board previously relied on studies that were not based on specific turbine locations and on a stipulation between Vermont Wind and ANR that also was not dependent on specific turbine locations.

As for the Ridge Protectors' claim that the new access road to Turbine 6 would cut through a winter moose concentration area, this does not represent a new or increased impact. The previous access road also went through the center of the moose area, and the new road alignment actually traverses approximately 1000 fewer linear feet of the moose concentration area. Thus, we conclude that the revised road location does not present the potential for significant impacts on the moose concentration area.

Conclusion re Motion to Require Amended Application

For the reasons set forth above, we conclude that the modifications to the Project do not have the potential for significant impact with respect to any of the criteria of Section 248(b) or on the general good of the state under Section 248(a). We thus deny Ridge Protectors' motion to require Vermont Wind to file an amended application.

11. Order of 8/8/07 at 45–6, 48.

Ridge Protectors' Request for Costs

We deny Ridge Protectors' request for its continued litigation costs for two independent reasons. First, the request asks for payment of the costs as a condition of allowing Vermont Wind to file an amended application. Thus, the request for costs is predicated on the assumption that Vermont Wind will be required to file an amended application, and that Ridge Protectors will need to expend significant resources in reviewing that amended application. Because we have denied the motion to require an amended application, we also deny the associated request for fees and costs.

Second, Vermont adheres to the "American Rule," under which attorney's fees are not awarded absent either statutory or contractual authority to do so, or in the presence of exceptional circumstances in which justice requires that costs be awarded. *In re Gadhue*, 149 Vt. 322, 327 (1987); *DJ Painting, Inc. v. Baraw Enterprises, Inc.*, 172 Vt. 239, 246 (2001). Here there is no statutory or contractual authority for the requested award of fees, nor are the requisite exceptional circumstances presented. In this proceeding we have had previous occasion to rule on a request for litigation costs, at which time we noted:

The Board has made clear that it will not award costs simply because a petitioner is altering a proposed project. As we have previously stated, a petitioner's willingness to alter a proposed project may ultimately benefit the public interest:

Our decision here should not be read as a broad precedent indicating that awards of attorney's fees are readily available in a Board proceeding whenever a petitioner modifies its proposal. Such modifications are frequently made in response to concerns presented by other parties or to reflect improvements that the petitioner has itself identified; accordingly, those modifications frequently serve the public interest, and should not be discouraged by the specter of an attorney's fee award.

In this instance, the petitioner has attempted to be responsive to parties. Consequently, we do not find any basis to award costs here.¹²

The same rationale applies to Ridge Protectors' current request for costs. There is nothing exceptional when, as here, a petitioner modifies its proposed project as the final engineering and permitting processes move forward. To impose costs under these circumstances would greatly

12. Order of 11/1/06 at 4–5 (quoting Docket 6860, Order of 9/26/06 at 5).

risk impeding, rather than promoting, the public interest by discouraging applicants and permittees from making improvements to their projects.

Approval of Final Design Plans

Vermont Wind's final design plans were accompanied by supporting documentation from its consultants with appropriate expertise under the relevant criteria of Section 248(b). In their comments, the Department and ANR have not challenged that supporting information nor have they objected to the final plans. The only party that opposes approval of the final design plans, Ridge Protectors, has not submitted any relevant credible analysis to support its opposition.

Our review of the parties' filings demonstrates that, for the reasons explained above in our denial of Ridge Protectors' motion to require an amended application, the final design plans are consistent with our final Order of August 8, 2007.

Therefore, we approve the final design plans filed by Vermont Wind on December 26, 2008, with the following conditions:

Vermont Wind shall preserve the existing mature trees that screen the site of the substation and operation and maintenance building from New Duck Pond Road.

Within 30 days of the completion of construction of the substation and operation and maintenance building, Vermont Wind shall notify the Board of the completion of construction. The Board may schedule a post-construction site visit and may require additional aesthetic mitigation if the Board determines it to be necessary.

Vermont Wind shall file its amended NPDES permit with the Board prior to any earth-disturbing activities.

SO ORDERED.

Dated at Montpelier, Vermont, this 24th day of March, 2009.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: March 24, 2009

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.